

### **REMARKS**

In the Office Action, the Examiner first indicated that the Amendment and arguments filed on May 19, 2006 were considered and found persuasive. Accordingly, the previous rejection of claims 1-36 under 35 USC §102(b) as being anticipated by Karandinos et al WO 01/46277 was withdrawn.

However, claims 1-36 were once again examined with the result that all were rejected. The present Office Action is non-final, and in response, applicant has amended claim 1. In view of the above amendments and following remarks, reconsideration of this application is requested.

In the current Office Action, claim 1 was rejected under 35 USC §112, second paragraph, as being indefinite. The Examiner objected to the phrase “desired physical properties” added by applicant in the previous Amendment. In response, applicant has revised claim 1 to delete the phrase “to provide desired physical properties for said composition” and replaced it with the phrase “in addition to said RCP copolymer, said APAO polymer and said tackifier”. Support for this amendment can be found in the specification for example at page 8, lines 21-23 where it is indicated that the secondary polymer may be added in addition to the RCP copolymer, the APAO polymer, and the tackifier. Thus, no new matter has been added to claim 1. Accordingly, applicant requests the Examiner withdraw the §112, second paragraph, indefiniteness rejection of claim 1 in view of the amendment made herein.

In the Office Action, claims 1-36 were rejected under 35 USC §102(a) as being anticipated by Wang et al WO 03/033612. The Examiner indicates that the Wang et al reference teaches a hot melt adhesive composition comprising a blend of SPP/APAO; (b) a tackifier; and (c) a plasticizer. The Examiner considers the tackifier to be the secondary polymer claimed by applicant. Applicant, however, respectfully disagrees with the Examiner for the following reasons.

First, it should be noted that claim 1 of the present patent application calls for about 4% to 50% by weight of a random RCP copolymer in addition to a tackifier, an

APAO, a secondary polymer, and optional ingredients such as a plasticizer, a wax, a stabilizer and a filler. In contrast, Wang et al does not teach or disclose the use of a random RCP copolymer in a hot melt adhesive composition. There is simply no disclosure and/or description in Wang et al which mentions, refers to or even suggests the use of a random RCP copolymer in a hot melt adhesive composition.

The closest disclosure in Wang et al is a combination of SPP and APAO, as noted by the Examiner. However, both of these ingredients are different from the random RCP copolymer claimed by applicant in the present patent application. Applicant refers the Examiner to the "Background" section of the present patent application where the stereo configuration of an APAO molecular chain is schematically shown at the bottom of page 3 where the methyl groups on the successive polymeric units are randomly distributed on both sides of the hypothetical plane of the polymer backbone. In contrast, the stereo configuration of SPP is shown at the top of page 4 of the present patent application where the methyl groups of successive monomeric units along the chain are alternately disposed on each side of the hypothetical plane defining the backbone of the polymer. Finally, applicant refers the Examiner to page 9 of the present patent application where the stereo chemical structure of an RCP random copolymer is illustrated. The RCP copolymer has the methyl groups of successive monomeric units on the same side of the hypothetical plane of the polymer backbone with the  $\alpha$ -olefin randomly located along the chain. As explained in the "Background" section, these differences in stereo chemical structures result in different characteristics for each polymer. Applicant refers the Examiner to the "Background" section as well as page 9 in the "Summary" section for an explanation of these differences. Thus, even if the Wang et al reference teaches a blend of SPP/APAO and a tackifier as the second polymer, Wang et al clearly cannot anticipate claim 1 or render claim 1 obvious since there is no disclosure in Wang et al of a random RCP copolymer, as claimed by applicant.

In addition to the fact that Wang et al does not teach, suggest or describe the use of a random RCP copolymer in a hot melt adhesive, applicant has amended claim 1 to call

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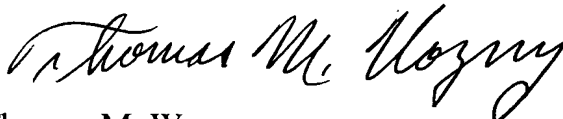
for a secondary polymer "in addition to said RCP copolymer, said APAO polymer and said tackifier." Thus, the secondary polymer in claim 1 cannot be the tackifier as indicated by the Examiner in the present Office Action. These secondary polymers are added by applicant to modify specific properties and/or characteristics of the adhesive composition. Applicant refers the Examiner to current claims 30-36 as well as the specification beginning at page 23, line 17 et. seq.

Applicant notes that claim 1 now specifically requires at least a four polymer blend of a random RCP copolymer, an APAO polymer, a tackifier, and a secondary polymer. Wang et al clearly does not teach such a four component polymer blend, and does not teach why all four polymers are needed in an adhesive composition. At best, Wang et al teaches a three component polymer blend, and even if the tackifier is considered a secondary polymer, as alleged by the Examiner in the present Office Action, there is no teaching, suggestion or description of the use of a random RCP copolymer as an ingredient in a hot melt adhesive composition in Wang et al. Accordingly, applicant believes claim 1, as now amended, is distinguishable from Wang et al.

An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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